

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRICIA A. MCCOLM,

No. C 09-04132 SI

Plaintiff,

**ORDER DENYING EMERGENCY EX
PARTE APPLICATION FOR ORDER AS
UNNECESSARY**

v.

FOREMOST INSURANCE COMPANY,

Defendant.

Plaintiff previously requested assurances that cashing a check issued by defendant Foremost Insurance Company in the amount of \$1318.55 will not be treated as a waiver of any claims in this litigation. Counsel for defendant Foremost wrote a letter to plaintiff confirming that plaintiff's cashing the check issued by Foremost will not be asserted as any waiver of any right plaintiff has to proceed in this lawsuit. This letter is adequate to protect plaintiff's claims in this litigation and plaintiff may cash the check without waiving any claim in this litigation. Consequently, there is no need for further Court intervention and plaintiff's emergency ex parte application for order is denied as unnecessary. [Docket No. 39]

IT IS SO ORDERED.

Dated: August 10, 2010



SUSAN ILLSTON
United States District Judge